

Before the
Federal Communications Commission
Washington, D.C. 20554

FEB 17 2005

In the Matter of)

Petition of AT&T Corporation for)

Forbearance Under 47 U.S.C. Section 160(c) from)

Enforcement of "Deemed Lawful" Provision of)

Section 204(a)(3) of the Communications Act of)

1934, as Amended)

WC Docket No. 03-256

ORDER**Adopted: February 16, 2005****Released: February 16, 2005**

By the Chief, Pricing Policy Division:

1. On December 3, 2003, AT&T Corp. ("AT&T") filed a petition requesting that the Commission forbear from enforcing section 204(a)(3) of the Communications Act of 1934, as amended ("Act"),¹ to the extent it provides that "streamlined" local exchange carrier tariff filings are "deemed lawful."² On February 15, 2005, AT&T filed a request to withdraw its petition.³ In this order, we grant AT&T's withdrawal request and dismiss its petition without prejudice.

2. Accordingly, IT IS ORDERED, pursuant to the authority delegated under sections 0.91 and 0.291 of the Commission's rules, 47 C.F.R. §§ 0.91 and 0.291, that AT&T's request to withdraw the above-captioned petition for forbearance IS GRANTED.

¹ 47 U.S.C. § 204(a)(3).

² See AT&T Petition for Forbearance, WC Docket No. 03-256 (filed Dec. 3, 2003). The Commission must act on petitions for forbearance within one year, but it may extend this deadline by 90 days if it finds that an extension is necessary to meet the three criteria for forbearance listed in section 10(a) of the Act. 47 U.S.C. § 160(c). The Wireline Competition Bureau, acting on delegated authority, extended the initial one year-period for review by 90 days to March 2, 2005. See *Petition of AT&T Corporation for Forbearance Under 47 U.S.C. Section 160(c) from Enforcement of "Deemed Lawful" Provision of Section 204(a)(3) of the Communications Act of 1934, as Amended*, WC Docket No. 03-256, Order, DA 04-3324 (WCB, rel. Oct. 21, 2004).

³ Letter from Peter H. Jacoby, Senior Attorney, AT&T, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 03-256 (filed Feb. 15, 2005).

3. IT IS FURTHER ORDERED, pursuant to the authority delegated under sections 0.91 and 0.291 of the Commission's rules, 47 C.F.R. §§ 0.91 and 0.291, that the above-captioned petition for forbearance IS DISMISSED WITHOUT PREJUDICE.

FEDERAL COMMUNICATIONS COMMISSION

A handwritten signature in black ink, appearing to read "Tamara L. Preiss", is written over a horizontal line.

Tamara L. Preiss
Chief, Pricing Policy Division
Wireline Competition Bureau